

Wireless E9-1-1 Survey
Last updated July 14, 1999

State	Wireless E-911 Legislation & Date Eff.	Eff. Date of Fee Collection	Fee & % That Goes To Wireless	Cost Recovery Rules ⁱ Est. & Date Eff.	Wireless Carriers Phase I Compliant ⁱⁱ ?	Number of PSAPs Making Phase I Requests Meeting FCC Precon-ditions ⁱⁱⁱ ?	Number of PSAPs in Process of Being Implemented	Comments
CT	Yes 5/31/96	Identical fees for wireless and wireline have been collected since July 1997	Tiered structure ranging from \$.31 for single line accounts to \$.06 for >100 lines. No specific percentage for wireless.	Yes Legislation on May 31, 1996 and subsequent DPUC rulings starting in April 1997.	Yes	108	108	Statewide implementation of Phase I will begin 3Q99.
DC	No	No	No	No	Yes	0	0	
DE	No	No	No	No	Yes	0	0	
FL	Yes 7/1/99	8/1/99	\$.50 54%	No	Yes	0	0	
GA	Yes 7/1/98	Not before 11/1/98 local option	Up to \$1.00 30% PH1 30% PH2	Yes – local option	Yes	28	28	
HI	No	No	No	No	Yes	0	0	

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IA	Yes SF 530 4-16-98	01/99	\$.50 Wireless must be reimbursed before PSAPs are paid.	Draft rules only at this point. The rules are expected to be finalized in the fall.	Yes	0	0	
ID	No	No	No	No	Yes	0	0	
IL	HB 1383, pending for Governor's signature	If enacted, August 1, 1999.	Fee to be determined. 33% to go to wireless costs.	No	Yes	1	1	The Governor has until August 15, 1999 to sign the bill.
IN	Yes 3/13/98	5/1/98	\$.65 41%	Yes 8/17/98	Yes	9	9	
KS	No- Legislation Introduced Spring 1999	No	No	No	Yes	0	0	Senate Bill and House Bill— Hearings held - no action.
KY	Yes 4/1/98	8/15/98	\$.70 50%	No-To be completed in July	Yes	0	2	Phase I is being implemented in two counties prior to formal cost recovery rules.

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LA	Yes	9/1/99	\$.85 up to 100%	Yes - local option	Yes	5	5	
MA	No	No	No	No	Yes	0	0	Bill to implement wireless E911 service is awaiting action pending completion of state budget process.
MD	Yes 1995	1995	\$.60 See State Profile	1995	Yes	0	0	
ME	No	8/1/98	\$.32 None to wireless	No	Yes	0	0	Maine has just contracted with Bell Atlantic for a state-wide landline E-911 system, expected to be completed in June of 2001. Maine does not plan on implementing wireless E-911 until after completion of landline implementation. E-911 Director for Maine states that they may skip Phase 1 and go directly to Phase 2. No plans currently for wireless recovery of costs.
MI	Yes 6/28/99	10/28/99	\$.55 until 10/01 and then \$.52 thereafter	No	Yes	0	0	

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MN	Yes, completed in 1997	1/89 wireline 911; 7/94 wireless 911; 7/97 E911	\$.27, 11.8 %	Yes, but need certification/ approval or service agreement & hasn't occurred for most carriers	Yes	0. MN requested state-wide but has not met all pre-conditions	7 PSAPs have been implemented by U.S. West Wireless under a compromise arrangement	Oversight by Dept. of Administration; no consensus on choice of technology or technology standards; no mechanism for distributing funds once collected; legislation regarding cost recovery tabled; state and carriers currently working to arrive at model service agreement
MO	9/1/98 Passed, but no effective date.	No – see comments	\$.50 goes into pool to be shared with PSAPs. Rules will set division.	No	Yes	0	0	The \$.50 fee was defeated 58-42 in a statewide referendum on 4/5/99. Another referendum on the \$.50 fee will be held but not before '00.
MS	Yes 4/13/98	5/1/98	\$1.00 30%	No-To be completed in July	Yes	0	1	

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MT	Yes 04/30/97 (certain sections) 07/01/97 (Main part of the bill)	04/30/95 07/01/97 (increase)	\$.50 \$.25 (enhanced, but not specifically wireless enhanced)	Effective 07/01/97	Yes	0	0	
NC	Yes 10/1/98	10/1/98	\$.80 60%	Yes – interim	Yes	25	25	
ND	No	No	No	No	Yes	0	0	
NE	No	None	None	See narrative.	Yes	0	0	
NH	Yes HB 726, effective July 1, 1997	July 1, 1997	Amounts collected go into one fund all to be used for enhanced 911. Money is not segregated.	No special rules required.	Yes	0	0	

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NJ	Yes; 6/24/99 See comments	No	No	No	Yes	See comments	See comments	New NJ law obligates Legislature to appropriate funds for wireless E911 installation, operation, and maintenance costs; state 911 authority refuses to grant all carriers full recovery of all costs; see state profile. Technology dispute between the state's central 911 authority (NJOETS) and some of the carriers has occurred with subsequent negotiations stalling phase one implementation.
NM	No	No	No	No	Yes	0	0	
NV	No	No	No	No	Yes			
NY	No	7/1/91	\$.70 0% See comments	No	Yes	0	0	Political and financial complexities have stalled wireless E911 deployment in NY for the foreseeable future; see state profile. A \$.70 per month per subscriber surcharge on wireless users since 1991 is not dedicated to Wireless E-911.
OH	No	No	No	No	Yes	0	0	
OK	No	No	No	No	Yes	0	0	OK has not seriously considered wireless E911 legislation since the FCC's Report and Order.

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OR	Yes	10/95	\$.75 (0% specifically reserved for wireless)	Yes; 10/95	Yes	18	18	
PA	No	No	No	No	Yes	0	0	Wireless carriers have drafted legislation implementing a state-wide wireless E-911 system, managed by the Pennsylvania Emergency Management Agency. PEMA has approved the draft and it is hoped that legislation will pass this Fall. Legislation includes detailed cost reimbursement and advisory board language.
RI	No	7/1/97	\$.47; see comments	See comments	Yes	0	0	Legislative reallocation of surcharge funds for other projects have delayed implementation; see state profile
SC	Yes 8/1/98	11/1/98	\$.55 57%	Yes 5/1/99	Yes	9	9	
SD	No	No	\$.75 0%	No	Yes	0	0	

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TN	Yes 5/20/98	No later than 8/20/99	\$.85 25%- PSAPs; Percentage to wireless undeter- mined.	No; To Be Compltd in July	Yes	0	0	
TX	Yes 9/1/97	9/1/97	\$0.50	No; To Be Compltd in July	Yes	3	3	
UT	Yes 3/21/98	7/1/98	Local governmen t to collect up to \$.50 for basic. \$.03 on both wireline and wireless for wireless E911.	See narrative.	Yes	0	0	

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VA	Yes 7/1/98	7/1/98 (see profile)	.75 cents/ % based on cost estimates (see profile)	5/99	Yes	22	22	
VT	No	No	No	No	Yes	0	0	
WA	No	\$.25 fee collected under existing statute, RCW 82.14B.030(2)	None is available for wireless costs	No	Yes	0	0	
WI	No	No	No	No	Yes	0	0	
WVA	Yes 3/6/98	1/1/98	\$.94 3% to Phase II	No	Yes	0	0	
WY	No	No	No	No	Yes	0	0	

ⁱ See individual state profiles for cost recovery rules discussion.

ⁱⁱ A Phase I compliant carrier is any carrier, that in response to a PSAP request meeting the required FCC preconditions, can deliver Phase I in the time and manner required in FCC Docket No. 94-102.

ⁱⁱⁱ FCC Docket No. 94-102, *Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report*, states: "A carrier, however, is not required to implement E911 services unless two conditions are met: (1) that the carrier has received a request for service from a PSAP capable of receiving and utilizing the data, and (2) that a mechanism for recovering the costs of the service is in place." See also, 47 C.F.R. Section 20.18 (f).

EXHIBIT C

STATE PROFILES

Last Updated: July 26, 1999

ALABAMA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state from some carriers.

Cost Recovery Mechanism

Alabama has imposed a \$0.70 per month per subscriber E911 surcharge on wireless customers.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In 1998, the Alabama Legislature passed CMRS industry- and PSAP-supported legislation establishing a wireless E911 surcharge of 70 cents. Carriers were authorized to begin collecting the surcharge in May of that year. Other provisions of the legislation included:

- A five-member board with three 911 and two CMRS industry representatives.
- The fund created by collection of the fee will be divided in the following manner: 56 percent to PSAPs for their expenses in connection with implementing Phase 1 wireless E911 service; 44 percent into a pool to be used to reimburse CMRS carriers for their expenses in implementing Phase 1 E911 service.
- All reimbursements must be approved by the state board.
- Includes limitation of liability.

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ALASKA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Although the Alaska State Legislature has provided limitation of liability to wireless carriers (Title 29, Section 29.35.133), it has not implemented a wireless 911 program. No surcharges are being collected from wireless customers in the state of Alaska today, nor have PSAP requests been issued to wireless carriers for implementation of Phase I E-911 service.

On March 15, 1998, the Anchorage Police Department requested Phase I E911 service from at least one wireless carrier. However, the Department later chose to rescind that request in light of the lack of a cost recovery mechanism in the state. No other PSAP requests have been issued to wireless carriers for implementation of Phase I E911 service.

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ARIZONA**Phase 1 Implementation Status**

Although Phase 1 testing has been completed in Pima County, Phase I service has not been implemented in the state.

Cost Recovery Mechanism

The state legislature has imposed a \$0.10 per month per subscriber surcharge on all wireless subscribers. However, the funds raised by this surcharge are not dedicated to E911 costs, and it is not clear that this surcharge will be sufficient to fund E911 deployment.

Choice of Technology Issues

None at this time.

Other Issues

County concerns with wireless carrier contracts.

History

Arizona has not implemented wireless E911 as of June, 1999. However, several wireless carriers have been working with Pima County (Tucson) public safety officials for nearly one year to implement Phase I. A few carriers have installed facilities and tested trunks but are now waiting for the County to sign an agreement before proceeding to deploy Phase I. The County has previously assured the wireless carriers that they have the resources to reimburse the carriers, which has also been confirmed by members of the State of Arizona 911 Team who are monitoring this initial deployment in Pima County.

Legislation to have wireless contribute to the financing of Emergency Telecommunication Services was signed into law in April 1997. SB 1441 imposed a fee of \$.10 per month for each activated wireless service through June 30, 1999, at which time the fee could be raised up to \$.20. In June, 1999, the state Department of Administration determined that with a surplus of approximately \$2 million, there was no need to increase the fee on wireless customers.

The major point of controversy was with the trial attorneys who opposed providing wireless carriers with any limitation of liability. A compromise was reached wherein a standard was set somewhere between ordinary negligence and gross negligence.

Generally, the industry and Pima County officials have worked well together. However, the continuing reluctance of the County to sign a contract with carriers is what is delaying the final implementation activities. Industry is optimistic that this will be resolved soon and the Pima County deployment will serve as a successful test for the state of Arizona.

ARKANSAS

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Arkansas has imposed a \$0.50 per month per subscriber E911 surcharge.

Choice of Technology Issues

None at this time.

Other Issues

The Arkansas PSAPs have elected to await Southwestern Bell's implementation of a routing solution. Southwestern Bell has not yet tariffed or implemented its routing solution.

History

The wireless industry and PSAPs began meeting in the fall of 1996 to discuss implementing wireless E911. During the first few weeks of the 1997 legislative session, PSAPs and wireless carriers reached agreement on a statewide fund with a monthly fee of \$.50 per wireless subscriber. A Board consisting of 2 PSAPs, 2 carriers, and the State Auditor was created to administer the fund. The Board held its first meeting in the summer of 1997.

Initial work by the board focused on means of distributing funds to PSAPs. Under the Arkansas legislation, PSAPs were to receive a share of the wireless surcharge based on the number of calls received. Because the PSAPs did not want to rely on self-reporting of these numbers, they sought industry reporting to track call volumes. The development of such tracking programs within wireless switches, however, proved time consuming and expensive. After nearly two years, it was finally agreed that PSAPs would be compensated under a new formula based on population. This methodology was simpler to measure and implement. Legislation was introduced in 1999 to make these changes as well as increase to 2% the amount the Board would retain to cover the costs of its operation.

Wireless carriers are currently prepared to launch Phase I service in Arkansas but no PSAPs have requested service. At least one PSAP has indicated that it would prefer to wait for Southwestern Bell to implement a solution rather than purchase the existing technology offered by the wireless carriers. Once the Southwestern Bell routing solution is in place, the PSAPs apparently intend to require wireless carriers to use this technology to provide wireless E911.

The CMRS Emergency Telephone Services Board currently holds \$2,943,302 for funding Phase I implementation. Although no PSAP has implemented Phase I E911 service, the Board has distributed in excess of 1.5 million dollars to PSAPs.

CALIFORNIA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

For more than ten years, wireless customers have been paying a 911 surcharge constituting 0.72% of intrastate charges. However, the funds raised by this surcharge are not specifically dedicated to implementation of E911.

Choice of Technology Issues

None at this time.

Other Issues

There are no Phase I requests currently filed with California carriers. Furthermore, the California Phase I E911 pilot project report suggests that Phase I service may not be cost effective.

History

California has had statewide wireless 911 for over 10 years. All calls, by law, are answered by the California Highway Patrol at one of their 25 Communications Centers. There are 475 additional local PSAP's around the state that handle the landline traffic.

Wireless customers have been paying the same 911 tax as wireline customers for over ten years, currently 0.72% of the intrastate charges. Over \$87 million is raised annually. The funds are commingled and not designated for a particular technology. The only cost recovery to date, and the only cost recovery ever requested by wireless carriers, was in connection with the LA E 911 Pilot Project which ran from 8/98 to 1/99. Carriers were generally pleased with the cost recovery mechanism in the pilot. Carriers submitted invoices which were promptly paid by the State 911 Program which administers the fund.

No PSAP's have yet requested E 911. Since the CHP is the wireless PSAP, a request from a local would violate current law. Current discussion revolves around the final report of the LA Pilot Project produced by the State 9-1-1 Program and an informal Governor's Task Force on Wireless 911.

Pilot Project Report

The pilot project report questions whether Phase One ALI is worth the cost. The outcome seems to value call back number but CHP and the 911 Office are not convinced that cell site location is worth \$40-50 million annually. Alternatively, California authorities are interested in expanding caller ID as an ANI interim measure and feel we need to move forward toward Phase 2. There seems to be acknowledgment that Phase One has to be in place as a default for Phase 2 but the question is timing.

An item of controversy in the report is discussion of a LEC proposal for transaction based pricing instead of subscriber based. All commenting carriers opposed.

Task Force

The Task Force is examining what short term fixes or legislation would be helpful this year. The focus is selective routing and resolution of our liability concerns. The group may recall that we tried legislation last year that linked wireless immunity with a change in the law to allow

selective routing. The trial lawyers killed it. To avoid a fight with the trial lawyers and set the stage for selective routing, the Administration has endorsed in concept that absent statutory immunity, insurance covering the E911 risk is a proper component of cost recovery. CCAC is investigating the market possibilities with consultants and insurance professionals. This could be moot if federal legislation is successful.

Our hope is to keep the Task Force together as future E911 issues evolve.

COLORADO

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

Cost Recovery Mechanism

State legislation implemented 4/30/97 allowed for Colorado counties to collect surcharges of up to \$.70 from wireless customers. Surcharges vary by county, ranging from \$.25 to \$.70.

Choice of Technology Issues

None at this time.

Other Issues

Contractual disputes arising from unique statutory framework.

History

State legislation implemented 4/30/97 allowed for Colorado counties to collect surcharges of up to \$.70 from wireless customers. Surcharges vary by county, ranging from \$.25 to \$.70, and in many counties wireless customers have been paying the surcharge for more than a year. Funds are paid directly to PSAP entities/authority boards. A statewide E911 Task Force is in place, currently focused on efforts to resolve the role of the Local Exchange Carrier (US West) in the cost recovery process.

Current state regulation calls requires all landline 911 calls to be routed to PSAPs through a PUC authorized Basic Emergency Service Provider (BESP) and for all LEC costs to be aggregated and reimbursed by the BESP. The BESP collects revenues from PSAPs through a tariffed rate approved by the PUC. US WEST is currently the only BESP and the PUC has indicated it is not willing to authorize additional BESPs -- landline or wireless.

Wireless service, per the FCC, is not regulated by the State of Colorado. The cost recovery and tariffing processes described above are problematic for wireless carriers because they require the submission of sensitive proprietary data to support costs evaluated in a public process. However, at the request of the PSAP community in Colorado, some wireless carriers have voluntarily agreed to work with all parties to route calls through the BESP and utilize the statewide cost averaging model.

In addition, contractual issues present a challenge for many wireless carriers, due to the combination of the unwillingness of PSAPs to accept responsibility for reimbursement of carrier costs and the need to execute contracts on a county-by-county basis.

Implementation efforts in the state have been mixed, but have intensified recently. This improvement is due to wireless carrier willingness to accept the BESP cost recovery model rather than direct recovery from PSAPs. One carrier has worked successfully with the BESP and the PSAPs, accomplishing the full implementation of Phase I service in 10 of the state's most populated PSAPs as of 6/99 (representing 90% of the company's in-state customer base). Several other carriers are in active negotiations with PSAPs. However, such success has not been uniform among all carriers.

CONNECTICUT

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Connecticut imposes a wireless 911 surcharge that ranges from \$0.31 per month per subscriber for single line accounts to \$0.06 per month per subscriber for accounts with more than 100 lines. However, state authorities have expressed unwillingness to pay carriers for certain E911 implementation costs, such as third party vendor charges.

Choice of Technology Issues

State reluctance to pay third party vendor costs will impact previously made contractual relationships between carriers and vendors.

Other Issues

None at this time.

History

Public Act 96-150, passed by the state legislature in May, 1996, established a statewide E911 program. The legislation directed the Department of Public Utility Control (DPUC) to conduct, by June 1st of each year, a proceeding to determine the amount of monthly fee to be assessed against each subscriber of local telephone service and each subscriber of commercial mobile radio service. It also mandated that the DPUC shall not approve a fee greater than \$0.50 per month per access line. On May 27, 1999, the DPUC issued their latest Order (Docket No. 96-09-13RE02) whereby all local exchange carriers, competitive local exchange carriers, and commercial mobile radio service providers are required to assess their respective subscribers based on a per-line assessment schedule ranging from \$0.31 per month (for single line accounts) to \$0.06 per month (for accounts with greater than 100 lines). The funds collected are forwarded to the Connecticut Department of Revenue Services on a monthly basis where they are used to support a state-wide upgrade in the E911 network, including the costs for wireless Phase I implementation, slated to begin in the 3Q99. Indemnification language has not yet been introduced by the state legislature.

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DELAWARE

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The State of Delaware does not have a statewide wireless E9-1-1 program or a cost recovery mechanism for provision of same.

There have been limited communications between individual carriers and the state's 9-1-1 Administrator, despite various carriers' repeated attempts to schedule individual meetings.

Significantly, the Administrator takes the view that the state has little if any role in carrier cost recovery and carriers should simply recover their own costs.

Delaware has a county-based wireline 9-1-1 surcharge of up to \$.50. Funds go directly to the counties and are apportioned to the Primary 9-1-1 Emergency Report Centers in the counties. New Castle County has three PSAPs – the county unit and one each in the cities of Wilmington and Newark. Kent and Sussex Counties each have a single PSAP.

On the legislative front, days before the first session of the Delaware General Assembly recessed until January, a bill was introduced, which among other things, would repeal existing law capping liability for corporations offering 9-1-1 enhanced service at \$1 million. In its place, the legislation would clarify that governmental bodies, volunteer fire companies and wireline or wireless carriers will not be held liable, except for willful or wanton or intentional misconduct. The legislative synopsis discussed the potential erosion of the limited immunity afforded to governmental bodies and volunteer fire companies under Delaware's Tort Claims Act, as well as enactment of comparable legislation in other states. This bill has been approved by the state Senate. It has been sent to the state House for consideration.

DISTRICT OF COLUMBIA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Currently, the District of Columbia does not have E911 legislation or a surcharge. However, wireless carriers have begun working on legislation with the Metropolitan Police Department and the City Council. We anticipate that legislation will be introduced this fall.

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FLORIDA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The Public Safety Community and the Industry have been in agreement since 1997 on the need for cost recovery legislation. Unfortunately, the political climate did not allow passage until 1999. In both 1997 and 1998, Wireless E911 bills were introduced and quickly held up in Committee as the Governor and Legislature vowed “no new taxes”. The Industry was successful in 1998 in passing liability legislation.

In 1999, the Industry and Public Safety Community led a very organized grass roots legislative effort. As a result of this effort the legislature did pass HB 621 in 1999. The specifics of the bill are:

- Statewide wireless surcharge of 50 cents (same as wireline) – 54% of this fee goes to wireless cost recovery.
- CMRS Board
- CMRS Fund with cost recovery
- Support for rural deployment of basic 911

It is expected that the board will be operational in the fall of 99 with Phase I implementation beginning in early 2000.

GEORGIA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

Cost Recovery Mechanism

State legislation implemented 7/1/98 allowed for Georgia PSAP authorities to collect E911 surcharges of up to \$1.00 from wireless customers, with \$0.30 of every dollar to be used for reimbursement of carrier Phase I costs.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In 1998, the Georgia Legislature passed enabling legislation that authorized local governing authorities that operate a PSAP or contract to operate a PSAP to pass ordinances imposing a wireless E911 fee of up to \$1. It was not possible to pass a statewide fee and establish a statewide board because of the requirements of the State Constitution. The state law also requires that such ordinances cannot take effect until 120 days after their effective date. A local PSAP has 18 months from the effective date of the E911 fee to implement wireless E911 service. On or after October 1, 2001, local governing authorities may increase the fee equal to the 911 fee on local exchange customers, currently set at \$1.50.

To date, most the approximately 126 local jurisdictions with PSAPs, have passed ordinances.

- 30 cents of every \$1 collected must be deposited by each PSAP in a restricted account, which is to be used to reimburse CMRS providers for to pay for the nonrecurring and recurring installation, maintenance, service, and network charges associated with providing Phase I of wireless E911.
- The remaining amount is to be used by the PSAP for their general statutory obligations.

HAWAII

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Hawaii does not currently have a statewide wireless E911 program and a mechanism for cost recovery.

Following an unsuccessful effort in 1998, the wireless industry worked hard in 1999, together with the Department of Health, to convince the Legislature to adopt wireless E911 legislation. Two bills were introduced during the 1999 legislative session, House Bill 661 and Senate Bill 778. The two bills were identical, with one exception: HB 661 did not include language establishing limits on liability that was included in SB 778.

The House Health Committee amended the bill to include the liability protections in SB 778 and passed the bill. The bill was then heard by the House Consumer Protection and Commerce Committee, where the Office of Consumer Advocate testified against the bill. Industry immediately began working with the Consumer Advocate to resolve his concerns. The Committee passed the bill with amendments worked out between carriers and the Consumer Advocate. After referral to and minor amendments by the House Finance Committee, the bill was passed by the full House on a vote of 47 to 2.

In the Senate, the Commerce and Consumer Protection Committee took up the bill. With the continuing cooperation of wireless carriers and the Consumer Advocate, the Committee made major modifications to the bill, changing it from a "bill and keep" system to a "pooling" system. The Committee passed the bill and even noted in its Committee Report that "CMRS providers and the Consumer Advocate have worked diligently to develop rules to establish and administer a cost recovery mechanism so that E911 service will be available to the residents of the State."

After even more amendments by the Senate Ways and Means Committee, the Senate passed HB 661 on a unanimous vote. House and Senate Conferees worked out the differences between the House-passed and Senate-passed versions and a final bill was passed by both houses and sent to the Governor.

On June 7th, Governor Benjamin Cayetano vetoed HB 661. The Governor's stated reasons for his veto were that (a) the Department of Health has insufficient information and staff expertise to administer the program, (b) the costs of administering the program are uncertain and the surcharge may not be sufficient, and (c) "the FCC has set no deadline for the establishment of such a system. Accordingly, this bill is premature at this time."

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IDAHO

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

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Senate Bill No. 1507 was introduced during the 1998 legislative session, and House Bill No. 291 was introduced during the 1999 legislative session. Both bills did not pass.

Wireless carriers spent a considerable amount of time attempting to favorably influence both pieces of legislation to help ensure wireless enhanced emergency services were made available to the people of Idaho. In addition, the wireless carriers expended a great deal of effort to educate policy makers regarding a realistic tax level, specific allocation of the tax, and statewide administration, but to no avail.

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ILLINOIS

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

No statewide surcharge at this time.

Choice of Technology Issues

None at this time.

Other Issues

Contractual implementation issues with the City of Chicago.

History

After years of arduous legislative efforts and negotiations, the Illinois House and Senate finally passed a wireless 911 bill this year. The bill is not yet enacted and is awaiting signature by the Governor as of this date, June 30, 1999. Wireless 9-1-1 had been introduced even prior to the adoption of the FCC's E911 rules. A consistent early problem was liability protection. Early on the wireless carriers worked with the trial attorneys to arrive at acceptable language that was incorporated into the present bill.

Approximately three years ago a group of wireless carriers began negotiating with the PSAPs on a compromise E911 bill. The negotiations were difficult given the differing interests and needs. PSAPs wanted local collection and remittance of funds to mirror the landline system in Illinois. Because of billing concerns carriers wanted a centralized single point of contact collection and remittance system. Accountability and oversight were also factors. The amount of the fee was also a complicating factor. The fee was made more difficult by the fact that the City of Chicago instituted a \$1.25 a month wireless surcharge and some of the non-carrier interests looked at such as a benchmark. Many felt that a \$1.25 surcharge statewide was excessive while others realized that such a rate would be difficult to pass. A bill attempting to reduce the City of Chicago's fee would also be unlikely to pass given the City of Chicago's opposition. Thus, the City of Chicago was grandfathered at the existing fee. Also complicating the process was the fact that several PSAPs in the Chicago suburban area refused to take wireless 911 calls and thus carriers were forced to rely and pay a third party vendor to process such calls. Also other PSAPs, including those outside the Chicago area, began threatening to stop taking wireless 911 calls. Compromise bills were presented during the 1997 fall veto sessions, the 1998 Spring Session, the Fall 1998 veto session and the Spring 1999 session when the bill was finally considered for final vote by both the House and Senate.

The Illinois bill imposes a surcharge of up to \$.75 per month per wireless line with the exact fee to be set by the board. Approximately 2/3 of the fund goes to the PSAPs, including the State Police who are established as the default wireless 911 carrier for the state thus assuring statewide wireless 911 coverage. The PSAP is not required to use the funds to institute E911 services but must be accepting wireless 911 calls to receive the money. There is no requirement that the money is used for wireless 911 purposes, only that it is used for the statutory general 911

purposes. The legislation requires a review by the State Auditor prior to October 1, 2001 and sunsets on April 1, 2005.

The funds are remitted centrally and are subject to appropriation. Carriers recover their E911 costs via submitting of invoices and certified documentation. Carriers do not receive administrative costs associated with collecting the fee and are limited to recovering 125% of the charges remitted to the wireless carrier fund unless the carrier receives prior approval of the Department of Central Management Services. Thus some carriers have expressed a concern as to whether carriers in high cost, rural areas or new entrants will be able to achieve full cost recovery.

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INDIANA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

Cost Recovery Mechanism

Indiana has enacted a \$0.65 per month per subscriber E911 surcharge, a minimum of \$0.25 of which is to be used to reimburse carriers for E911 costs.

Choice of Technology Issues

None at this time.

Other Issues

Although the cost of connection to a selective router has traditionally been less than \$1,000, Ameritech has filed a tariff imposing a charge in excess of \$13,000 per carrier for connection to each of its three routers.

Additionally, as described below in the history section, several carriers have been refused full reimbursement of their Phase I costs due to an interpretation, opposed by carriers, of Indiana's 125% carrier cost reimbursement cap.

History

The wireless industry and the public safety community, after lengthy negotiations, agreed to compromise wireless E911 legislation that passed the General Assembly and was signed into law on 3/13/98 in advance of the Phase I implementation deadline. The law provides for a Wireless Enhanced 911 Advisory Board, imposes an initial fee of \$.65, creates a wireless emergency

telephone fund, provides for CMRS cost recovery, and gives funds to PSAPs providing wireless E911.

The Board is made up of eleven members, five CMRS, five from the public safety community, and it is chaired by the state Treasurer who may vote only to break a tie. The Board has the ability to raise or lower the fee once a year, but it cannot be raised more than \$.07 at one time, and the fee cannot exceed \$1.00.

The initial fee of \$.65 was imposed on 5/1/98. CMRS providers may keep two percent (2%) of the fee for administrative costs. Three percent (3%) is to be escrowed for Phase II. At least \$.25 of the fee must be held in the fund to reimburse CMRS providers for the actual costs of complying with the 911 requirements of the FCC Order. Two percent (2%) covers Board expenses. The money remaining in the fund is held for monthly distributions beginning 9/1/99 to eligible PSAPs that provide wireless E911 service. There are requirements in the law that govern the use of the money by PSAPs. A CMRS provider may recover all of its cost of implementing wireless E911 from the fund. The Board must approve the plan before the CMRS provider may recover costs. The Board may not approve an invoice if payment of the invoice would result in payment of more than one hundred twenty-five (125%) of the total amount contributed to the fund by a CMRS provider, unless the Board approved the cost before it was incurred by the CMRS provider.

The Board met for the first time on 7/28/98. At its 8/17/98 meeting, the Board approved the CMRS Provider Remittance Form and the CMRS Carrier Cost Recovery Instructions. A Chair and two members were appointed to the Cost Recovery Subcommittee. The Subcommittee recommended and the Board approved cost recovery in the amount of \$.25 per subscriber per month for a number of carriers at its 9/29/98, 11/4/98, and 1/26/99 meetings.

Some carriers that were approved for \$.25 had asked the Subcommittee to approve higher costs. The subcommittee chair on the advice of counsel issued letters that said, "the Board only approved 25 cents per subscriber as outlined in the Indiana Legislation. We are unable to approve any additional funding at this time. The maximum the board would be able to approve is 31 cents per subscriber per month". Several CMRS providers opposed this position. It is their position that the 125% cap applied to the full amount per subscriber per month contributed to the fund which was \$.61 and that the 125% cap could be exceeded with prior approval of the Board.

While some CMRS providers have differences with the Subcommittee, all providers, the Board and the Subcommittee have been working together to implement wireless E911 in the state. The first CMRS carrier began providing wireless E911 service in Ft. Wayne on 3/31/98. All carriers which costs have been approved are now providing wireless E911 in the state or are in the process of implementation. All carriers that are providing E911 service are being reimbursed for their costs.

The Cost Recovery Subcommittee requested all CMRS providers to meet individually with the Subcommittee June 23 – 25 to discuss "true costs" and other issues. During those meetings the Subcommittee backed away from its position of a \$.31 cap. The Subcommittee intends to review

all CMRS provider costs at meetings on 8/11, 12, & 13/99 and present a comprehensive plan and recommendations to the Board at its meeting on 8/24/99.

IOWA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

SF 530, Iowa's bill creating a system for implementing and funding wireless E911 services, was initiated by the wireless industry, and in particular was managed through the 1998 legislative session by the wireless industry. The Counties and PSAPs lobbied to raise the amount of the permitted surcharge; the wireless industry kept the bill on track, insisting that the tax on customers be minimized. The act became effective on April 16, 1998. The act provided for appointment of an E911 Administrator no later than July 1, 1998, and required establishment and collection of a surcharge to begin no later than January 1, 1999. The act left many issues to be determined by administrative rule including the establishment of a statewide plan for cost recovery, but set no deadline for such a plan.

The rulemaking process did not begin until fall 1998. Again, the wireless industry took a lead role. At the presentation of proposed rules to the state Administrative Rules Review Committee on October 13, 1998, the Department of Emergency Management Services (the state E911 administrator) stated that they would complete the "Statewide wireless E911 plan" required by the administrative rules by July 1, 1999. During November and December of 1998, however, the process slowed as the PSAPs attempted to have proposed language amended to permit counties to use funds from wireless carriers for expenses not directly related to the provision of wireless E911 services. Compromise was finally reached in time for final rules to be effective January 6, 1999 (5 days after the surcharge began).

The surcharge has been collected since January 1, 1999. The PSAPs proposed legislation to raise the surcharge, and redistribute it with a larger share going to PSAPs, in the 1999 legislative session. Lobbyists from the industry were able to stop the bill.

No formal action has been taken since then towards full implementation of wireless E911, and the "statewide plan" is not yet in place to allow cost recovery. Rather than having a plan completed by July 1, 1999, the Department now hopes to have a first draft of such a plan completed by late summer, and will then circulate it for comments of interested parties. The wireless industry in Iowa will again closely monitor that draft for efforts to raise the surcharge on customers unnecessarily high, and will make every effort to keep the process moving to allow quick and cost-effective rollout of additional safety and functionality for Iowa wireless customers. The implementation of Phase I wireless E911 will continue to be delayed until an administrative rule establishes the statewide cost recovery plan.

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KANSAS

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Kansas currently has a basic 9-1-1 law that requires Counties to take wireless 9-1-1 calls themselves or contract with another county for taking the calls. The statute did not impose any surcharge and does not address Phase 1 implementation. There were two bills introduced into the 1999 Kansas legislature to impose a surcharge and thus provide cost recovery mechanism for Phase 1—Senate Bill 63 and House Bill 2399. The Senate Commerce Committee held hearings wherein the current structure and capabilities of 911 processing centers and the state of the landline 911 service fund were discussed long with consumer, governmental and industry concerns. The House Utilities Committee also held hearings. The hearings did not produce any new law this session but it is expected that the legislation will continue to be pursued.

KENTUCKY

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Kentucky imposes a \$0.70 per month per subscriber E911 surcharge, with 50% of the funds to be used for PSAP expenses and 50% to reimburse CMRS providers for Phase I expenses.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The Kentucky legislature meets every two years, and FCC 96-264 was issued far too late for consideration in the 1996 session. However, prior to the 1998 legislative session, Wireless Industry and Public Safety representatives jointly addressed wireless 911 and the requirements of the order. Legislation was crafted and introduced in 1998, passing without serious opposition. It had the following major provisions:

- An eight-member state board includes a LEC representative, municipal and PSAP employees, and three members of the wireless community.
- Fee is set at 70¢, half to the PSAPs and half to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Appointments to the state board were delayed by six months due to procedural problems, but cost recovery procedures have now been prepared. The annual meeting of the Kentucky NENA chapter on July 8, 1999 includes education programs on Phases I and II, steps to implementation, and instructions on how to secure disbursements from the state fund. Phase I deployments are expected to increase rapidly in fall of 1999.

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LOUISIANA

Phase 1 Implementation Status

Phase I service has been implemented in one parish in Louisiana by some carriers.

Cost Recovery Mechanism

Louisiana collects, on a parish by parish basis, \$0.85 per month per wireless subscriber.

Choice of Technology Issues

None at this time.

Other Issues

All parishes with a population of 30,000 and over will implement Phase I within 12 months of surcharge initiation, while all parishes of 20,000 or more will implement within 18 months.

History

The wireless industry and the Public Safety Community independently pursued Wireless E911 legislation until 1999. Prior to 1998 the Public Safety Community tried to pass legislation that included a surcharge on wireless customers. The surcharge would contribute to the overall cost of E911 but did not include any specific support for Wireless E911, or FCC Order 94-102. Most of these proposals did not pass. In 1998, the wireless industry lobbied for Statewide Oversight and one statewide rate, while the Public Safety Community lobbied to maintain local jurisdiction. The Public Safety Community did acknowledge FCC Order 94-102, but was unsure of the impact it had on Louisiana. There was also a view by many of the PSAPs that cost recovery was incremental to any other contemplated surcharge. The industry and Public Safety Community continued to meet between throughout 1998 and agreement was reached on most issues. In the 1999 Session, a compromise was reached on all issues. The proposal maintained local jurisdiction and established a statewide rate of eighty-five cents (with the exception of two parishes that had voted on higher rates). HB2102 passed unanimously in June 1999. The highlights of the bill are:

- All Parishes with a population of 30,000 and over will implement Phase I within 12 months of the effective date.
- All Parishes of 20,000 or more will implement within 18 months.
- Immunity is included.
- Cost recovery is included on a Parish by Parish basis.
- No Statewide board.

The industry is expecting Phase I requests to increase rapidly in the fall of 1999. Many of the 35 parishes with populations over 30,000 should be implemented by summer of 2000.

MAINE

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Maine has imposed a \$0.32 per month per subscriber E911 surcharge, although no plan for Phase I implementation and surcharge disbursements has been developed.

Choice of Technology Issues

None at this time.

Other Issues

Statewide landline E911 service is still being deployed in Maine.

History

The State of Maine is a good example of why Phase 1 implementation has been delayed in some areas through no fault of the wireless industry.

Although Maine passed legislation that includes wireless phone subscribers in the State's E-911 surcharge (\$.32 as of August 1, 1998), a plan for wireless E-911 has not yet been developed by the State Emergency Services Communication Bureau. Wireless calls are currently being routed to four State Police Barracks at Gray, Augusta, Orono and Hulton.

Presently, Maine is implementing landline E-911 on a state-wide basis. On December 28, 1998, Bell Atlantic was awarded a 5 year, \$22 million contract to install and maintain the E-911 system. Implementation is expected to take 30 months and the estimated completion will occur in June 2001. Wireless E-911 implementation will not proceed until that time. The Director of the Emergency Services Communications Bureau said that he believes Maine will skip Phase 1 and proceed directly to Phase 2.

Funding

A 1998 public referendum authorized \$3,200,000 to fund one-time start-up costs for the statewide E-911 system. Costs included a statewide addressing project that is almost complete –

quite a task in a rural state with many unincorporated territories. E-911 surcharge revenues are being used to pay down the bond.

Currently, the revenue from the E-911 surcharge (estimated to be \$3.6 million annually) does not fund "operational costs" for either PSAPs or the State Police. All revenue goes to the Emergency Services Communications Board, which will upgrade the PSAPs for E-911 through the contract with Bell Atlantic. Notably, cost recovery for wireless carriers is currently not envisioned in the \$.32 surcharge.

Since the current surcharge doesn't even cover the cost of Bell Atlantic's estimated annual portion of the contract (\$4.4 million) it is expected that it will be raised in the 2000/2001 biennium. Wireless carrier should work with the state to ensure that wireless cost recovery is included in any surcharge increase.

Advisory Board

Maine does have an Advisory Board for E-911, but the responsibilities appear to be relatively minor. The E-911 Advisory Committee was created by legislation and began January 1, 1989. There are 17 members of the Committee made up of the following: 1 county rep, 1 EMS rep, 1 Sheriff's Association rep; 1 municipal rep, 1 Department of Public Safety rep; 1 deaf and hearing impaired rep; 1 PUC rep, 1 small telephone co. rep, 1 municipal fire company rep; 3 public at large reps; 1 large telephone rep; 1 Maine Police Chief's Association rep, 1 dispatcher rep; 1 volunteer fire company representative. A wireless member added by Executive Order #1 signed by the Governor May 28, 1997. The wireless representative attended first meeting on 8/19/97. The duties of the Committee consist of the following:

- A. The committee shall advise the department on activities relating to the establishment of an E-911 system,
- B. The committee shall review and comment on rules proposed by the department under this chapter,
- C. The committee shall assist the department in providing public information about the implementation and operation of the E-911 system.

The Committee is scheduled to meet every other month, but oftentimes meetings are cancelled due to lack of pressing business.

Clearly, it is not a lack of cooperation from the wireless industry in Maine that is preventing wireless Phase 1 E-911 implementation. Nor is it a cost recovery issue at this time. Maine is moving forward with its rollout of a statewide E-911 system and is progressing, but not at the FCC mandated schedule.

MARYLAND

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Maryland imposes a statewide surcharge of \$0.10 per month per bill, with a county surcharge of up to \$0.50 per month per bill.

Choice of Technology Issues

The statewide 911 board is still evaluating implementation options, with particular focus on Phase II migration.

Other Issues

None at this time.

History

Maryland has had a wireless 911 statute (Md. Ann. Code Art. 41, § 18-101), in place since 1995. The statute provides for a 911 Trust Fund, cooperative agreements between the 24 Counties, public safety agencies, public safety answering points and wireless carriers for the allocation of maintenance, operational and capital costs attributable to the 911 system. In addition, the statute authorizes a 13 member Emergency Number Systems Board (Board), that will make technological recommendations to the Counties based upon factors such as population, area served by all systems, start up costs and vendor test results. The Board is also charged with the authority to approve or disapprove county or multi-county requests for reimbursement of start up costs that vary from the final Board recommendation.

Surcharges have been collected since 1995. Landline and wireless 911 funds have been commingled into the same Trust Fund. There is a State charge of .10 cents per/month on every wireline and wireless number and a county charge of up to .50 cents on every wireless number. These charges are collected every month and remitted to the State Treasurer. Funds are then remitted back to the counties based upon the funding formula in effect. The county holds their allocated 911 funds within their own county 911 Trust Fund. The county monies are used to fund both wireline and wireless 911 within that particular county. More than one-half of the Counties are asserting that they are receiving from the State an inadequate amount of funds in order to fund both wireline and wireless 911. The county will choose the 911 technology best suited for them and contract with a vendor. The Board will pay for each of the counties one-time expense of purchase and installation. The Counties are responsible for all reoccurring charges and any costs that are above the Board recommended costs. Every county is capable of

receiving Phase I enhanced data and wireless carriers are capable of providing such data. The Board has not made a final technology recommendation. No valid requests have been received. Wireless carriers anticipate Phase I requests after the Board has issued its final technology recommendation.

MASSACHUSETTS

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In Massachusetts, limited progress has been made towards deployment of Phase I service. However, actual implementation by the Commonwealth's wireless carriers awaits the passage of a specific wireless E911 statute and related cost recovery provisions.

Under existing state law, the delivery of wireline and wireless 911 service by individual PSAPs is supervised by the State Emergency Telecommunications Board ("SETB"), which is comprised of various public safety officials.¹

Regarding wireless E911 deployment, the SETB has worked with individual PSAPs and completed any PSAP equipment upgrades required to accept Phase I data. Accordingly, the SETB requested E911 service from the Commonwealth's wireless carriers during 1998. However, the SETB has also acknowledged that implementation of Phase I service in Massachusetts must await the passage of a wireless E911 statute permitting the recovery of both wireless carrier costs and the costs to be incurred by SETB in upgrading Bell Atlantic's 911 tandems.

¹ Mass. Ann. Laws, ch. 6A, §§18-18G and ch. 166, 14A

Because of the importance of legislative action in implementing wireless E911 service, the Massachusetts wireless carriers have been working since 1997 to enact such a bill. As of the date of this report, the Massachusetts wireless E911 bill² has been amended and is awaiting committee action. Once the Commonwealth's annual budget process has been completed, both the SETB and the wireless industry are hopeful of early passage for this legislation.

MICHIGAN

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Legislation, effective June 28, 1999, requires that wireless service providers begin collecting a fifty five-cent surcharge from all subscribers with a MI billing address within 120 days from the effective date. The surcharge is reduced to fifty-two cents in two years.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Legislation, effective June 28, 1999, requires that wireless service providers begin collecting a fifty five-cent surcharge from all subscribers with a MI billing address within 120 days from the effective date. The surcharge is reduced to fifty-two cents in two years.

The money collected will be deposited in the CMRS Emergency Telephone Fund and be distributed as follows:

- Twenty five cents to reimburse CMRS providers licensed by the FCC to expenses related to implementation of wireless E911;
- One half cent to cover billing and collection costs of CMRS providers (i.e., both carriers and resellers);
- Ten cents to each county that has a final 911 plan in place that includes implementation of wireless E911. Money shall only be used to implement the wireless emergency service order and any expended for a purpose considered unnecessary or unreasonable should be repaid to the fund;

² Cite to Pacheco bill

- Fifteen cents to each county on a per capita basis that has a final 911 plan in place that includes implementation of wireless E911. The same expenditure limitations as the other component of money earmarked for the counties applies;
- One and one-half cents for a PSAP training fund; and
- Until two years after the effective, three cents shall be used by the Department of State Police to fund priority issues of 9-1-1 coverage.

Full indemnification for carriers is provided. In addition, beginning one year after the effective date, a county is not eligible to receive any further disbursements unless the county is in compliance with the wireless order and the state statute. If a county with a final 9-1-1 plan does not accept CMRS calls, the revenues available to the county will be disbursed to the public agency or county responsible for accepting and responding to those calls.

The Emergency Telephone Service Committee (ETSC) was recreated to develop statewide standards for emergency telephone service. The twenty-one member board includes one CMRS representative. The board is responsible for appointing a subcommittee to review expenditures from the CMRS Emergency Telephone Fund. The five member subcommittee includes two CMRS representatives. While the ETSC issued a statewide implementation request approximately two years ago, it is arguable whether this request would be in fact legitimate because certain county implementation costs may not be covered through monies generated by the wireless surcharge alone.

The ETSC is also responsible for conducting a cost study no later than April 30, 2000 and August 30 annually after 2000. The report shall include recommendations to change the surcharge, detailed expenditures of each county to implement the wireless order and a description of any commercial applications developed as a result of implementing the statute. The statute sunsets January 1, 2004.

MINNESOTA

Phase 1 Implementation Status

One carrier has implemented in the area of Minneapolis/St. Paul and plans to implement in the rest of the state sometime soon.

Cost Recovery Mechanism

Minnesota imposes a \$0.27 per month 911 surcharge applicable to all telephone subscribers. However, only 3.2 cents of that surcharge has been budgeted for Phase I implementation. Additional disbursements and related carrier cost reimbursement issues remain to be resolved.

Choice of Technology Issues

Minnesota authorities originally insisted on a particular technology for Phase I implementation. Having relented on that position, state officials are now negotiating technology-neutral specifications with carriers.

Other Issues

Contract negotiation issues.

History

In Minnesota, E911 implementation is administered on a State-wide basis by the Minnesota Department of Administration (the "DOA"), which is headed by Commissioner David Fisher. The DOA has split its E911 implementation plan into two geographic regions. One region is the seven-county Minneapolis/St. Paul metropolitan area, which is represented by the Metropolitan 911 Board ("Metro"). The other is the remainder of the State, referenced as "Greater Minnesota."

The Minnesota 911 statute requires all carriers, both wireline and wireless, to collect a 911 surcharge of between eight and thirty cents per subscriber. This price range allows the surcharge to be increased to cover costs over time. As of July 1, 1998 the surcharge was fixed at twenty-seven cents. The total amount collected statewide is placed in a single 911 fund. Of each twenty-seven cents collected, the current DOA budget estimate has earmarked 3.2 cents for a wireless implementation fund intended to pay the installation and recurring charges for integrating wireless 911 calls into enhanced 911 networks.

In 1997 the DOA requested Phase I E911 service on behalf of all the PSAPs in the State. Since then the wireless carriers of Minnesota have been negotiating with Metro and the DOA to arrange for the E911 implementation. However, implementation has been delayed for four reasons: 1) disagreements over choice of technology; 2) disagreements over technology specifications; 3) lack of specific cost recovery procedures; and 4) disagreements over service agreement terms. The following will discuss each of these reasons in turn.

Choice of Technology

Although the FCC does not mandate the use of any particular E911 technology, Minnesota unilaterally insisted on a particular technology, namely, a Feature Group D class of service with a wireless interface device ("WID") for both CAS and NCAS signaling formats. The State chose this technology based on its claim that it could not afford to upgrade its PSAP equipment to support an SS7 class of service. However, a carrier accounting analysis of 911 surcharges collected by the State over the past thirteen years revealed that the State had apparently collected sufficient funding to accommodate an SS7 upgrade. In light of this data, the State recently reexamined its funding and indicated that it may be able to afford the upgrade. It then represented to the carriers in the form of an April 1999 joint statement of the commissioners of

administration and public safety that it would let the carriers have their choice of E911 technology.

Throughout the process, the Minnesota wireless carriers preferred the option of using either the CAS or NCAS solution. Those using the NCAS solution did not want to be required to use the WID, as originally demanded by the State. This is because the WID imposed two technical problems as explained below.

The first technical problem with the WID is that it creates a call completion delay which some carriers consider unacceptably long. In fact, in field testing conducted by wireless carriers in Minnesota, the completion delays were as long as fourteen to eighteen seconds. One of the FCC's 911 goals is to minimize call completion times. The second problem with the WID is that it does not serve as a platform for Phase II. This means any Feature Group D-WID system deployed today may have to be replaced within a relatively short time to meet the FCC's Phase II mandate. The Minnesota statute itself requires any E911 system design to take Phase II needs into account.

Although US West Wireless preferred the SS7 approach, it reached a compromise in Minnesota under which it proceeded to implement E911 service in the Minneapolis/St. Paul area using the State-mandated Feature Group D-WID approach. The carrier has not yet implemented E911 service in the Greater Minnesota area but plans to cover that area soon. Earlier this year, after experiencing call completion delays of about 14 seconds, the carrier installed a CellLink device (commonly known as a "false ring-back") which artificially causes the caller to hear a ring before the call actually reaches the PSAP. This technical modification has slightly reduced the apparent time delay and so far, the carrier has not heard any time delay complaints from subscribers or PSAPs. Other carriers oppose the CellLink device on the grounds that it does not cure the time delay problem, may still cause subscribers to hang up and redial, and may give the appearance that the PSAP is not promptly answering the call.

Like other carriers, US West Wireless would prefer to upgrade to SS7 because it would cure the call completion delay problem and would facilitate the introduction of Phase II service.

Technology Specifications

The carriers are also negotiating with the DOA and Metro to develop the needed technology specifications. At one point, all parties agreed to adopt a technology-neutral set of standards. However, when the DOA issued its draft for the standards, the carriers did not consider them technology-neutral. Rather, the State's specifications effectively continued to promote Feature Group D. Since then the carriers rewrote the specifications in the form of "guidelines" which it then submitted to the DOA. In response, the DOA established a joint government-industry committee to review the matter. The parties are hopeful that the guidelines can be finalized in a meeting to be convened shortly.

Cost Recovery

A specific cost recovery mechanism is not in place in Minnesota. While the State 911 statute provides for the collection of the surcharge and sets forth guidelines for a carrier to have its costs pre-approved and certified by the State, there is no mechanism for the distribution of the monies collected and insufficient guidance on what costs the State is willing to reimburse. It is also unclear how carriers would recover their costs if their cost certifications are rejected by the State. Given the lack of a specific cost recovery procedure, the carriers worked actively with the State to amend the statute with more specific cost recovery provisions. Unfortunately, the legislation has been deferred pending discussions with the new commissioners of administration and public safety.

Service Agreement Terms

In the absence of complete statutory language on cost recovery, the carriers and the DOA are now trying to resolve the above-described cost recovery issues in the context of their E911 service agreements. However, the lack of statutory guidance has compounded the difficulties of negotiating a service agreement while ironically making it more important to reach an agreement in that State.

Numerous draft agreements have already been exchanged between the parties since the spring of 1998. The carriers' drafts have been informally regarded as standard in the industry, whereas Minnesota's proposed draft has imposed unique and heavy burdens on the carriers. For example, the State's draft would require carriers to create affirmative action programs. This would clearly exceed the requirements of the federal E911 mandate and would not be relevant or necessary to the implementation of E911. The DOA recently asked the joint government-industry committee to create a single model service agreement, rather than force the State to negotiate a separate agreement with each carrier. The carriers are actively promoting this goal by working together to develop universally acceptable language.

Conclusion

The carriers remain committed to working with the State to resolve all of the above issues. The finalization of the service agreement could, by itself, go a long way toward reaching this goal.

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MISSISSIPPI

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Mississippi has imposed a \$1.00 per month per subscriber E911 surcharge, with 30% of surcharge funds dedicated to reimbursement of carrier Phase I costs.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In 1994, Mississippi passed legislation to impose a fee on wireless subscribers which varied from 80¢ to \$1.00. Between 1995 and 1997 unsuccessful attempts were made to raise the ceiling to \$2.00, with no set aside for Phase I. Prior to the 1998 legislative session, Wireless Industry and Public Safety representatives agreed to a flat, statewide rate with a designated portion to meet the requirements of FCC 94-102. Legislation was introduced in the 1998 session and passed without serious opposition. It has the following major provisions:

- A five-member state board includes three PSAP representatives and two members of the wireless community.
- Fee is set at \$1.00, seventy percent to the PSAPs and thirty percent to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Cost Recovery rules have been published for public comment, to be approved at the July meeting of the state board. Phase I deployments are expected to increase rapidly in fall of 1999.

MISSOURI

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The Missouri General Assembly created an Interim Committee to study telecommunications issues after the 1997 session. Among the issues studied was wireless E911. PSAPs and the industry began meeting in June 1997 to discuss a proposed cost recovery mechanism and reached partial agreement prior to the beginning of the 1998 General Assembly. The only dispute between PSAPs and the industry was the amount of the fee. PSAPs were seeking a fee between \$0.75-\$1.00. The industry was committed to a fee not to exceed \$0.50 or actual costs. Ultimately, legislation was passed which left the fee up to The Office of Administration but capped the amount at \$0.50.

Because of a constitutional amendment requiring statewide fees and taxes to be voted on by the people, the issue was placed on the ballot in April of 1999. Despite support from public safety and the wireless industry, the measure was defeated by a 58-42 margin. It is not likely to be placed on the ballot again this year.

All other provisions of the enacting law remain in effect, including creation of an advisory board consisting of 3 PSAPs and 3 carrier reps. The former President of MoNENA has been hired by The Office of Administration to work on E911 issues and wireless carriers will continue to support passage of a fee funding E911 implementation.

MONTANA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Montana imposes a \$0.50 per month fee on all subscribers. The fee is split equally with one half going to basic 9-1-1 services and the other half to be applied to enhanced 9-1-1 services.

Montana uses a 9-1-1 planning system, and all expenditures made in a 9-1-1 jurisdiction are made pursuant to a plan approved by the Department of Administration. The 9-1-1 jurisdiction is not a county or city, but rather it is a group of public or private safety agencies that operate within or are affected by one or more common central office boundaries.

The Montana legislation does not allow for the costs incurred by wireless providers to be reimbursed upon installation of the system, but instead states that compensation of the carriers conversion costs must be made available within one year of the initial installation of the system. Also, the language is pretty narrow regarding which costs will be reimbursed, reflecting that quarterly distributions will be made for collection of the fee and modification of central office switching and trunking equipment necessary to provide service for an enhanced 9-1-1 system only.

In short, the legislative language may make it difficult for wireless carriers to get reimbursed for all of their costs in a timely manner.

NEBRASKA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Legislation was filed in 1999, LB 570, that would have extended the 911 fee to wireless telecommunications services. Existing law, section 86-1002, 86-1003 and 86-1004 allow

counties, municipalities and rural fire districts to impose a fee on telephone lines of up to \$1 per month. The legislation proposed, LB 570, had no references to the FCC Order, nor did it attempt to consider wireless technology in its definitions of ANI and ALI.

The wireless industry supported the implementation of wireless E911, but opposed legislation that would provide no mechanism to fund the service. The industry and representative PSAPs met with Senator Engles on 2-16-99 to discuss compromise legislation. The industry agreed at that time to a \$.50 statewide fee which would be earmarked for wireless E911 incremental costs and distributed from a statewide fund. Wireless carriers argued for the Administrative Services Department to administer the fund, but there was no resolution at that time.

A subcommittee, including two wireless industry representatives and representatives from the League of Municipalities and the Association of Counties, was formed to draft compromise legislation. An industry draft was provided to the group, but despite attempts to contact the LOM and AOC, no meeting was ever held. The bill never made it out of committee, but will be carried over into the 2000 session.

NEVADA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Nevada funds 911 through property taxes in general, although there is a 25 cents per month fee on all telecomm bills just in Washoe County (area around Reno, population approximately 400,000). Washoe began funding on Jan 1, 1996 with a December 31, 2001 sunset (bi-ennial bills extend the sunset). This year Bill 487 was passed and signed into Chapter 120 providing that wireline, wireless, PSAP or manufacturer are NOT liable to users of enhanced 911 services. Nevada was moving down the path of passing a bill with complete disregard to the FCC's mandate. Carriers met with legislators in attempts to educate them, but were met with strong

opposition as legislators feared customers in Las Vegas would be funding the wireless 911 system for the rest of the state.

NEW HAMPSHIRE

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

New Hampshire imposes a \$0.42 per month per subscriber 911 surcharge. However, no process for disbursing these funds to carriers exists at present.

Choice of Technology Issues

None at this time.

Other Issues

One New Hampshire PSAP withdrew its request for Phase I service from at least one carrier after learning of that carrier's implementation costs.

History

New Hampshire has had a wireless 911 statute, HB 726, in place since June 20, 1997. The statute is very short and lean on the issues that it deals with. It requires CMRS providers to make 911 available to the public but acknowledges carriers right to reimbursement for what it calls "reasonable expenses" incurred in connection with the FCC's 911 Order for the installation of 911 equipment. The fee is administered by the Bureau of Emergency Communications which may use the services of a consultant or any other state agency to assist them in reviewing requests for reimbursement. It also requires the collection of a 911 surcharge monthly on customer bills up to a maximum of twenty-five lines. The funds are to be used exclusively for the development and operation of enhanced 911 services. Surcharge amounts are determined periodically by the Bureau of Emergency Communications. The fee is set at \$.42 per month per access number up to 25 per customer. Carriers began collecting the fee in August 1997. The state has only one PSAP in the entire state that is Phase I ready and capable of receiving enhanced data.

NEW JERSEY

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Limited state general funds have been made available for payment of some Phase I carrier costs.

Choice of Technology Issues

None at this time.

Other Issues

LEC provisioning issues have delayed deployment efforts by some carriers, as has the state's refusal to accept national pricing by carriers.

History

Despite an early foray into wireless E911 technology testing, statewide Phase I implementation in New Jersey for all carriers remains stalled due to differences regarding the FCC order's cost recovery element and related political considerations.

Beginning in early 1997, the New Jersey Office of Emergency Telecommunications ("NJOETS") conducted a three-month trial of one particular type of Phase II technology. A report detailing results from the first 100 days of that test³ was sent to the state's wireless carriers on July 9, 1997, along with a letter containing a "voluntary" request for Phase I service commencing on November 20, 1997.⁴ This letter also invited the carriers to a meeting with NJOETS, which was held in Trenton on August 20, 1997.

The August 20th meeting was planned to focus on the technical aspects of Phase I implementation. However, the NJOETS director at the time, S. Robert Miller, also made it clear in this meeting that his agency would only pay for in-state trunking costs incurred by carriers in connecting to the state's four selective routers. All other carrier costs in implementing Phase I service in New Jersey would have to be borne by the carriers, according to Miller. Additionally, Miller advised carriers that NJOETS would select the Phase I technology to be deployed in New Jersey.

³ Report on the New Jersey Wireless Enhanced 9-1-1 System Trial - January 22 to April 30, 1997, State of New Jersey, Division of State Police, dated June 16, 1997. The New Jersey Phase II E911 test used time difference of arrival technology located in 24 of Comcast Cellular's cellsites in the southern portion of the state.

⁴ Letter by S. Robert Miller, NJOETS director, dated July 9, 1997.

Carrier representatives responded by referring Miller to the FCC order's requirement of a Cost Recovery Mechanism as a necessary prerequisite to the Commission's mandate. Miller replied that the Commission intended that language to include "raising your [i.e., the carrier's] rates."⁵ As to the choice of technology issue, Miller informed the attendees that wireless carriers would only be allowed to interconnect with the state's E911 system via a callpath-associated network architecture.

Faced with the state's position on these two issues, the New Jersey wireless carriers worked collectively with legislators and members of the public safety community throughout 1998 regarding necessary amendments to the state's 911 statute.⁶ Changes included revisions to make the statute applicable to wireless carriers, as well as to reflect the provisions of the FCC order. Legislation was consequently introduced, passed, and signed by the Governor which made significant progress towards those goals.⁷ However, the critical issue of funding needed to complete wireless E911 deployment was deferred until a subsequent legislative session, due to political difficulties that would arise during the 1999 election from the enactment of a new surcharge at a time of state budgetary surpluses.

Simultaneously with those collective legislative efforts, each wireless carrier also commenced ongoing individual discussions with NJOETS. These discussions, which began in 1997 and continue, in some cases, as of the date of this report, have yielded only partial progress with NJOETS. As of the date of this report, NJOETS has stated that it will only pay for what it deems to be "necessary" engineering costs associated with Phase I implementation, in addition to trunking costs. In addition, NJOETS has refused to accept a carrier cost reimbursement formula based on a monthly per-subscriber charge. Finally, the current acting director of NJOETS, Craig Reiner, has recently reiterated that his agency will deploy Phase I service in New Jersey only with those carriers that will accept the state's formulation regarding recoverable Phase I costs.⁸

Because of the state's position regarding cost recovery and technology choice, statewide Phase I service has not been implemented in New Jersey as of the date of this report. Specifically, only three of the New Jersey's six major wireless carriers⁹ (i.e., Bell Atlantic Mobile, Comcast Cellular, and Omnipoint) have agreed to provide Phase I service in accordance with the NJOETS formula. AT&T Wireless Services, Nextel, and Sprint PCS continue to negotiate with NJOETS. However, despite each carrier's existing ability to comply with a valid Phase I request,¹⁰ prospects for success in those negotiations are contingent upon movement by NJOETS in its positions regarding Phase I costs and technology choice.

⁵ Significantly, New Jersey is one of the few states in which wireline E911 has been implemented, despite the absence of a wireline 911 surcharge. The funding source for wireline E911 deployment, a \$94 million bond issuance undertaken by the state in 1991 to pay Bell Atlantic's costs for the statewide system through 2004, has not been replicated to date for wireless E911 implementation.

⁶ N.J.S.A. 52-17C-1 *et seq.*

⁷ Citation to NJ E911 bill. This bill was signed into law by Governor Whitman on June 24, 1999.

⁸ Correspondence between NJOETS and AT&T Wireless Services, dated May 20, 1999.

⁹ AT&T Wireless Services, Bell Atlantic Mobile, Comcast Cellular, Nextel, Omnipoint, and Sprint PCS serve significant parts of New Jersey. Sussex Cellular and Vanguard Cellular have a minor presence in the state.

¹⁰ This footnote will cite back to the definition of "valid Phase I request" contained previously in the report.

NEW MEXICO

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

New Mexico does not currently have a statewide wireless E911 program, a wireless E911 tax or a mechanism for cost recovery.

New Mexico state law currently contains an E911 surcharge and implementation program for "local exchange access lines." This surcharge on wireline customers is currently 51 cents per access line per month.

In 1999, a coalition of law enforcement/911 officials, the Municipal League, the Association of Counties, and the rural telephone cooperatives urged the amendment of the current E911 program. Senator Stockard introduced SB 86, a bill that would have applied the surcharge to wireless subscribers, but would not have created a direct method of cost recovery by wireless carriers. Representative Stell introduced similar legislation (HB 456) in the House. In spite of efforts by the wireless industry to dissuade legislators from adopting legislation that would not satisfy the FCC Order, HB 456 passed the House. On the Senate floor, Senator Maes offered an amendment, supported by the wireless industry, that would have established a separate wireless 911 fee fund and would have created a mechanism for the recovery of costs by wireless carriers as well as provided funds for the PSAPs and the state. The amendment passed but, thereafter, both bills died and the legislative session ended.

A "task force" of stake-holders including wireless companies is meeting to draft legislation for the 2000 legislative session (January 2000). The first meeting is scheduled for July 6, 1999 at the State Capitol, Santa Fe, New Mexico.

NEW YORK

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time. The state's \$0.70 per month per subscriber wireless 911 surcharge is not dedicated to E911 deployment.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

New York was one of the first states in the nation to enact a wireless 911 surcharge in 1991. However, since that time, institutional failures, inadequate fiscal safeguards and local government budgetary concerns, coupled with outmoded state statutes have combined to thwart wireless E911 implementation throughout the state.

New York State enacted a \$0.70/month/subscriber wireless telephone surcharge in 1991 – five years before issuance of the FCC's wireless E911 mandate in 1996. The stated statutory purpose of the funds raised through this surcharge was clear. According to the statute, those funds were - "for payment of division of state police costs related to statewide operation of a cellular 911 emergency telecommunications system."¹¹

The New York wireless surcharge was imposed with significant prevailing conditions:

1. Surcharge is double the \$0.35/month/subscriber charge imposed on wireline phone customers;
2. Collected wireless 911 surcharge revenue was sent to the State Comptroller for disbursement to the State Police; later was changed and is now sent directly to State Police by carriers. Wireline 911 surcharge revenue is sent directly to counties.

¹¹ County Law §309(3)

3. Other than the above stated purpose, there is no accountability or description of what a “statewide operation of a cellular 911 emergency telecom communication system” would look like;
4. Original scope of surcharge was to cover limited expenses by State Police in answering mobile phone 911 calls in parts of upstate New York only -- cellular/wireless telephone penetration levels were barely 10% in New York State and wireless calls were not a significant portion of call volume.

There was little, if any, opposition to this method of surcharging wireless customers at the time of its imposition. Instead, local 911 system operators of the less populated counties in upstate New York focused on the low \$0.35/month/subscriber wireline surcharge as their small populace was not enough to support the 911 system operation that was required in their counties. Several legislative attempts were made in the early and mid 1990’s to provide for an increase of the wireline surcharge for counties with populations of “up to 100,000 of up to \$1.00/month/access line”. All of these attempts failed, creating a disparity of 911 operations throughout the state. This surcharge method for both wireless and wireline customers also created an over-reliance upon surcharge revenues for undefined or ill-defined 911 “operations” at the local level.

Current Status

The genesis of the New York 911 telephone surcharge methods go a long way in explaining some of the current problems in trying to provide E911 wireless service in New York. Despite an ever-growing fund of wireless surcharge revenue that has existed for almost 8 years, New York is no closer to providing E911 wireless service because of several major reasons:

1. All surcharge revenue goes to one “PSAP-entity” (i.e., the State Police) that does not have statewide jurisdiction or accountability;
2. There are no fiscal safeguards to ensure that wireless surcharge revenues are spent only for the delivery of wireless E911 service. Contributing factors include the lack of a dedicated fund for surcharge revenues, the absence of specific restrictions on use of surcharge collections, and no audit provisions to document compliance with County Law §309; and,
3. The large disparity of wireless and wireline 911 surcharge collections across the state tempts local governments to view surcharge revenues solely as general county budget supplements rather than the means for FCC order implementation.

These reasons are responsible for the recent spate of legislative proposals that are designed to divert portions of the existing wireless surcharge revenue to entities other than the State Police. Some of these bills would allow several counties that do not receive 911 service from the State Police to access wireless 911 surcharge funds for purchases of ambulances, communications vehicles and safety equipment for firefighters.

Other proposals would have wireless carriers route 911 traffic directly to the counties, instead of the State Police, thereby creating a nexus to wireless 911 surcharge funds for the counties.

Finally, there are additional efforts to increase the wireline 911 surcharge to provide less-populated counties with enough funds to operate their 911 systems.

Unfortunately, all of these proposals simply continue to fight over 911 surcharge revenue. Not one of these bills addresses implementation of the FCC order.

Accordingly, against this backdrop of internecine political warfare over surcharge revenue, the New York Wireless Carriers' Coalition drafted state legislation that was introduced in March 1999 that will reflect the realities of the FCC order¹². Despite significant progress during this legislative session, this bill has not yet been released from committee.

Clearly, the 1991 law needs to be updated and revised because of its limited scope of fund access and accountability. Such a law revision will also highlight the need for local and state 911 operators to change priorities in how they administer and perform future upgrades to their systems.

Wireless Industry Efforts

The wireless carriers drafted state legislation that was introduced in March 1999 that seeks the following changes:

1. Adds definitions to reflect technological and Federal regulatory changes that have occurred over the past decade (tracks FCC order's 3 preconditions);
2. Establishes a dedicated wireless emergency telephone service fund to be used to implement wireless E911 service throughout the state;
3. Transfers responsibility for the existing \$0.70 per month wireless 911 surcharge from the State Police to the Comptroller;
4. Creates a State 911 Commission to advise the Comptroller regarding the collection and disbursement of wireless 911 surcharge funds; and
5. Grants wireless telecommunications carriers the same civil liability limitation for 911 calls as is currently provided to wireline carriers by the New York Public Service Commission.

The wireless industry in New York remains committed to fulfilling the FCC order throughout the state. However, until there is meaningful reform of the various factors impeding wireless E911 implementation, wireless subscribers in the state will continue to pay surcharges and receive no greater service than they received in 1991.

¹² A.7550/S.5357

NORTH CAROLINA

Phase 1 Implementation Status

Phase I has been implemented in parts of North Carolina.

Cost Recovery Mechanism

North Carolina has imposed a \$0.80 per month per subscriber surcharge, sixty percent of which is dedicated to carrier cost recovery.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Beginning in April 1997, Wireless Industry and Public Safety representatives jointly addressed wireless 911 and the requirements of FCC 94-102. After resolving disagreements regarding the existence and composition of a state oversight board and whether the fee should be imposed county by county or statewide, legislation was crafted and introduced in 1998. Concerns of the trial lawyers and questions regarding the amount were addressed, and the legislation was passed. It has the following major provisions:

- A thirteen-member state board includes a LEC representative, municipal and PSAP employees, and five members of the wireless community.
- Fee is set at 80¢, forty percent to the PSAPs and sixty percent to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Interim Cost Recovery rules are in place. Phase I deployments are expected to increase rapidly in fall of 1999.

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NORTH DAKOTA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

North Dakota does not currently have a statewide wireless E911 program and a mechanism for cost recovery.

Prior to the 1999 legislative session, wireless carriers held several discussions with the North Dakota 911 Association and the North Dakota Association of Counties with the purpose of drafting legislation that would establish a statewide wireless E911 program and cost recovery. The discussions ended without consensus and, at the beginning of the 1999 legislative session, the counties and PSAPs supported the introduction of Senate Bill 2307.

Senate Bill 2307 would have established a \$1.00 surcharge without any cost recovery to carriers. The bill also contained many inconsistencies with the FCC Order. The bill drew the attention and effort of wireless carriers. The industry testified in committee, urging the committee to adopt amendments that would provide cost recovery and reduce the surcharge. The House passed the bill with amendments that reduced the surcharge to 25 cents and clarified, to a certain extent, wireless cost recovery. In conference committee, the bill was amended once again, this time to raise the surcharge to 40 cents, strip the cost recovery language and conduct a study of "wireless E911 technology." The 40 cent surcharge was to be divided 25 cents to the PSAPs for any purpose other than the deployment of wireless E911 and 15 cents to be placed into escrow to fund wireless E911.

Upon the urging of the wireless industry, SB 2307 was vetoed by Governor Ed Schafer. Governor Schafer vetoed SB 2307 because (1) the bill imposes a new \$2 million tax on wireless users, (2) the bill creates a planning committee that does not include taxpayers, emergency medical service representatives, or law enforcement personnel and which will develop a plan that will not be considered again until the 2003 legislative session, (3) the tax should not be imposed without a commensurate reduction in the landline taxes, and (4) the tax will not meet the goal of financing enhanced 911 because the funds can be used to support existing 911 service.

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OHIO

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Legislation that would provide for wireless E911 cost recovery through the establishment of a statewide wireless surcharge, a state fund and full indemnification is currently pending in the state legislature. The legislation is supported by the wireless industry. However, it is unclear whether the bill will pass in 1999 because of the perception that the surcharge is a tax increase.

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OKLAHOMA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The State of Oklahoma has not enacted wireless E911 legislation. In the 1999 legislative session, a wireless E911 bill was introduced that would have provided for a wireless E911 fee. However, given the strong anti-tax political environment in Oklahoma, the bill, which was viewed as levying new taxes, was defeated by the House of Representatives.

OREGON

Phase 1 Implementation Status

Phase I service has been implemented or is in the process of implementation by some carriers for some PSAPs. However, some carriers have not yet received Phase I requests in some areas.

Cost Recovery Mechanism

Oregon imposes a \$0.75 per month per subscriber 911 surcharge.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Since October 1995, wireless customers in Oregon have paid a surcharge of \$.75 per month (equivalent to the surcharge paid by wireline customers). Funds are administered by Oregon Emergency Management (OEM), a centralized authority working with PSAPs across the state. Wireless carriers receive statutory limitation of liability in the state of Oregon.

Oregon has the distinction of being the site of some of the country's first Phase I service deployments and is providing wireless E-911 service to more than 250,000 wireless customers today. One carrier has worked very successfully with OEM, accomplishing the full implementation of Phase I service in 16 PSAPs in the most heavily populated areas of the state as of 6/99. Another carrier is expecting to timely deploy service the service within the next 60 days.

However, some carriers, particularly new entrants into the Oregon service area, have not received Phase I service requests from OEM. This lack of uniform opportunity to deploy service is of increasing concern to smaller wireless carriers.

PENNSYLVANIA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Pennsylvania has yet to pass a wireless E-911 cost recovery bill. Currently, 911 is a county-by-county function with landline 911 fees ranging from \$1.00 to \$1.50. The funding goes directly to the PSAPs for their operational costs. On 2/12/98, the Governor signed legislation (HB911) which gave the Pennsylvania Emergency Management Agency power to adopt rules, regulations and guidelines for the establishment of contribution rates; review and approve/disprove all 911 system county plans; establish minimum training and certification standards for dispatchers and call takers; develop technical standards for all county plans; establish standards for performance review and quality assurance for 911 systems and database systems. The Act also provides for triennial audits of the PSAPs and annual reports to the Governor and General Assembly. Immunity protection including protection for wireless carriers, was also included.

At that time, legislators decided not to include a wireless surcharge that could potentially be viewed as "raising taxes" in an election year. Alternatively, House Resolution 275 was passed required that PEMA conduct a study of the manner in which the Commonwealth and 911 systems may implement wireless E-911, plan for standardization and coordination between 911 systems and provide for funding and cost recovery. To date that study has not been completed.

Current Status

Wireless carriers have drafted legislation to provide for a statewide wireless E-911 fee and plan for implementation.

Much of the past year was spent on trying to build consensus among the counties and the Pennsylvania Emergency Management Agency for a statewide surcharge. The counties in Pennsylvania have very different ideas of what a wireless E-911 surcharge should be. The counties would prefer a county-by-county fee, similar to the landline surcharge, that goes to fund their operational costs. Several counties have been urging legislators to introduce legislation that provides for a fee, but doesn't address the implementation of E-911. It is hoped that consensus with the counties will be forthcoming.

However, it appears that agreement on the legislation has reached with PEMA and the wireless industry hopes to have action in the General Assembly this fall.

Key Points of the Legislation:

Fee

A \$.50 fee would be charged to all wireless service customers billed by a wireless provider and placed in a restricted Wireless E-911 Emergency Services Fund. The fee would be used to fund both PSAP and wireless carrier costs. Wireless carriers would be reimbursed for their Agency approved non-recurring expenses in an upfront payment from PEMA. Agency approved recurring costs would be retained by the carrier from its quarterly disbursement to PEMA along with 2% for administrative costs.

Advisory Board

In the legislation as drafted, the Pennsylvania Emergency Management Agency would manage and direct a statewide implementation plan in consultation with a 5 member Wireless E-911 Emergency Services Advisory Board. The Advisory Board would be made up of 2 representatives from the Pennsylvania State Association of County Commissioners and 2 representatives from the wireless industry. The Director of PEMA would chair the Board. The duties of the Board include recommendations to PEMA regarding the wireless E-911 state plan and its implementation, wireless provider service agreements, technical standards, disbursements from the Fund, guidelines and regulations, annual reports to the Governor and General Assembly and a special report to each of them regarding implementation of wireless E-911 service in accordance with a Federal Communications Commission Order.

Disbursements of Funds by PEMA

The legislation as drafted contains very specific language concerning disbursement of the Fund to PSAPs and wireless carriers. Should the Fund contain insufficient moneys for PEMA to fully reimburse all costs applied for and approved, funds shall be disbursed on a pro rata basis.

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Audits and Reporting

Regular and specific reporting and audits are provided for in the legislation. All disbursements provided to PSAPs and wireless carriers are subject to audit.

The wireless carriers in Pennsylvania have spent considerable time on crafting this legislation. It is hoped that this very detailed and comprehensive legislation for a quick and efficient implementation of Phase 1 in Pennsylvania.

RHODE ISLAND

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Rhode Island imposes a \$0.47 per month per subscriber E911 surcharge.

Choice of Technology Issues

The state has completed tests of a callpath-associated signaling network architecture, which it plans to require carriers to use once necessary equipment has been purchased.

Other Issues

For several years, the state legislature has reallocated E911 surcharge funds for other purposes.

History

In Rhode Island, progress towards deployment of Phase I service has been slowed due to legislative reallocation of wireless E911 surcharge funds and related technical issues. In addition, state concerns regarding technology choice and carrier cost recovery formulas may create additional hurdles to implementation.

As in neighboring Massachusetts, the delivery of 911 services by individual PSAPs is rendered under the auspices of a single statewide authority.¹³ In turn, the statewide authority is assisted by an advisory board comprised of various public safety officials.¹⁴ Both wireline and wireless service in Rhode Island are subject to a 0.47/month/subscriber surcharge.¹⁵ Wireline E911 service has therefore been deployed throughout Rhode Island.

¹³ R.I. Gen. Laws § 39-21.1-5

¹⁴ R.I. Gen. Laws § 39-21-4

¹⁵ R.I. Gen. Laws § 39-21.1-14

Regarding wireless E911 deployment, the state authority is working with individual PSAPs to complete any PSAP equipment upgrades required to accept Phase I data. However, implementation of Phase I service has been complicated by the fact that for the past several sessions, the Rhode Island Legislature has reallocated the funds collected by the state's E911 surcharge for other state purposes.¹⁶ The Rhode Island E911 authority has therefore been in the process of devising a way to implement Phase I service at minimal cost. Tests of various network designs are ongoing in the state, and, subject to Bell Atlantic approval, the state authority expects to have its network elements installed in the near future.

Once the state has completed its network upgrades, final agreement must be reached with each wireless carrier regarding recovery of Phase I implementation costs. Although the Rhode Island wireless carriers are continuing those negotiations, the state has expressed reservations regarding carrier cost recovery formulas based on a per-subscriber charge. The relationship between wireless carriers and the Rhode Island authorities has been positive, however, and both parties expect to resolve any differences amicably.

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SOUTH CAROLINA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

South Carolina collects a \$0.55 per month per subscriber, with 50% of collections dedicated to carrier cost reimbursement. Fee is set annually by State Office of Intergovernmental Relations (OIR) upon recommendation of Wireless 911 Advisory Committee.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

¹⁶ Collective efforts by the state and the wireless industry in the current legislative session have succeeded in halting this practice, at least for the coming year.

History

Because of concerns about passing new taxes, cost recovery legislation was not passed in 1997. Prior to the 1998 legislative session, Wireless Industry and Public Safety representatives jointly addressed wireless 911 and the requirements of FCC 94-102. Although there were differences regarding the amount of the fee, legislation was introduced in 1998 and, after compromises, passed without serious opposition. It has the following major provisions:

- An eight-member state board includes a LEC representative, municipal and PSAP employees, and three members of the wireless community.
- Fee is set at 55¢, half to the PSAPs and half to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Cost Recovery rules are in place and the deployment plans of some carriers have already been approved. Phase I deployments are expected to increase rapidly in fall of 1999.

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SOUTH DAKOTA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

South Dakota does not currently have a statewide wireless E911 program and a mechanism for cost recovery. There is, however, a landline 911 program to which wireless subscribers contribute. The surcharge is 75 cents per month.